



CITY OF BOSTON • MASSACHUSETTS

OFFICE OF THE MAYOR
THOMAS M. MENINO

May 4, 2010

TO THE CITY COUNCIL

Dear Councilors:

I transmit for your approval a home rule petition, pursuant the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, to authorize the City of Boston to grant two permanent volumetric easements in, through, and under a certain parcel of land known as Boston Common to the Massachusetts Bay Transportation Authority.

On April 10, 2006, the MBTA entered into a settlement agreement to a class action lawsuit seeking greater accessibility brought by the Boston Center for Independent Living ("BCIL") as the lead plaintiff. As part of the settlement with BCIL, the MBTA agreed to construct additional elevators to provide improved station access for people with disabilities in five (5) heavily traveled stations, including Park Street Station, located in Boston Common. These stations are considered accessible and comply with the federal Americans with Disabilities Act (the "ADA"), but the accessible path of travel is often difficult or remote from the main passenger flow in the stations. The additional elevators are intended to significantly improve access and increase service reliability for people with disabilities as well as everyone accessing the MBTA's system.

A grant of volumetric easements in the Boston Common is subject to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and the Massachusetts Executive Office of Environmental Affairs Article 97 Land Disposition Policy which requires unanimous votes of approval from the Boston Conservation Commission and the Boston Parks and Recreation Commission, a two-thirds affirmative vote from City Council, and a two-thirds vote of approval from the General Court.

Boston Conservation Commission voted unanimously to approve such authorization on March 24, 2010, and the Boston Parks and Recreation Commission voted unanimously to approve such authorization on March 29, 2010.

Therefore, I recommend the adoption of this Order by your Honorable Body.

Sincerely,

Thomas M. Menino
Mayor of Boston

CITY OF BOSTON
IN CITY COUNCIL

ORDERED: That a petition to the General Court, accompanied by a bill for a special law relating to the City of Boston, to be filed with an attested copy of this Order be, and hereby is, approved under Clause (1) of Section eight of Article two, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:

PETITION FOR A SPECIAL LAW: AN ACT AUTHORIZING THE CITY OF BOSTON TO GRANT PERMANENT VOLUMETRIC EASEMENTS RELATED TO VERTICAL TRANSPORTATION IMPROVEMENTS OVER CERTAIN PARCELS OF LAND IN THE CITY OF BOSTON

SECTION 1 Notwithstanding the provisions of any general or special law to the contrary and in accordance with Article 97 of the Constitution of the Commonwealth of Massachusetts and Massachusetts Executive Office of Environmental Affairs Article 97 Land Disposition Policy the City of Boston may dispose of certain real property under the control of the Boston Parks and Recreation Commission, for permanent easement for the development, construction, installation, operation and replacement of an elevator, elevator head house and bollards at Park Street Station on Boston Common.

I HEREBY CERTIFY THAT
THE FOREGOING, IF PASSED IN
THE ABOVE FORM, WILL BE IN
ACCORDANCE WITH LAW.


WILLIAM F. SINNOTT
CORPORATION COUNSEL *MAC*